

REMARKS/ARGUMENTS

Claims 1-4, 7, 9, 11, 12, and 13 are pending in this application. Claim 10 has been withdrawn. Claims 5, 6, and 8 have been canceled and Claims 11, 12, and 13 are new.

In the Office Action dated 1/5/04, the Examiner rejected Claims 1-4 and 9 under 35 USC 102(a). Claims 7 and 8 were objected to as being dependent upon a rejected base claim.

Reconsideration and allowance of this application are respectfully requested in view of the above amendments and the remarks that follow.

The claims have been amended to clarify the invention. No new matter has been added.

Claims 1 and 2 have been amended to recite proper Markush language and to remove typographical errors.

In Claim 1, R¹ and R² have been amended to add "C₂-C₇ alkenyl." Support can be found in the specification on page 22, line 5.

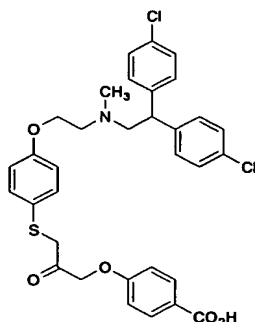
In Claim 2, R¹ and R² have been amended to add "C₂-C₇ alkynyl." Support can be found in the specification on page 22, lines 4 and 5.

In Claims 1, 2, and 3 R¹⁰ has been amended to add "aryl". Support can be found in the specification, for example, on pages 51-56.

In Claims 1 and 2, R¹⁵, R¹⁶, and R¹⁷ have been amended to add "C₁-C₇ alkyl." Support can be found in the specification on page 30, line 6.

In Claim 7, R¹⁵, R¹⁶, and R¹⁷ have been amended to include "phenyl." Support can be found in the specification on page 24, line 5.

Claim 8 has been canceled and replaced by new Claim 11 which removes the following structure that appeared in duplicate:



Claims 12 and 13 have also been added. Support can be found in the specification on pages 29 and 30. These claims are patentable over the reference cited by the Examiner (Kun et al, WO 0009114, page 29, lines 13-14) in that they do not allow Z to be OH.

Claims 1-4 and 9 were rejected under 35 USC 102(a) in that the species disclosed in Kun et al, page 29, lines 13-14 anticipates the present claims when X^1 is O, R^1 , R^2 , R^a , R^b , R^3 , R^4 , Y, and X are hydrogen, Z is OR^{11} , and R^{11} is hydrogen. Claims 1 and 2 have been amended to remove the possibility of R^{11} and R^{13} being hydrogen. In addition, R^{11} and R^{13} have been further amended to require substitution by one or more of the groups listed. Thus, it is applicants' position that Claims 1 and 2 are novel in view of these amendments. Claim 3 depends from Claim 2 and also does not allow for Y to be hydrogen. Claim 4 depends from Claim 3 and also does not allow for R^a and R^b to be hydrogen. Claim 9 depends on Claim 1. Applicants believe the amendments to Claims 1 and 2 render the rejections of Claims 3, 4, and 9 moot. Accordingly, for the foregoing reasons, applicants respectfully request that the rejection of Claims 1-4 and 9 under 35 USC 102(a) be withdrawn.

Claims 7 and 8 have been objected to as being dependent upon a rejected base claim but would be allowable to the extent that they read on the elected subject matter if rewritten in independent form. Claim 7 has been amended to depend only from Claim 3, which in turn depends on Claim 2. Applicants believe the amendments to

Claim 2 render the Claim 7 objection moot. Claim 8 has been canceled and replaced by Claim 11 which is written in independent form. Therefore, it is respectfully requested that the objection to Claims 7 and 8 be withdrawn.

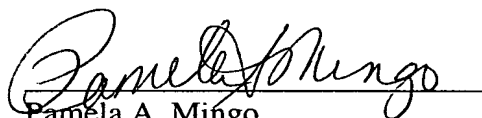
In view of the above, applicants believe the amended application is now in condition for allowance and respectfully request favorable action.

The Office Action of January 5, 2004 has a shortened statutory time that expired on April 5, 2004. A one-month extension is hereby requested pursuant to 37 CFR §1.136(a).

Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$110 for payment of the extension fee. An additional copy of this paper is here enclosed. The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

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Date: April 29, 2004